

*REMARKS/ARGUMENTS*

In response to the Office Action mailed October 3, 2006, Applicants amend their application and request reconsideration. In this Amendment, claims 3, 4, and 11-13 are cancelled and new claims 14 and 15 are added so that claims 1, 2, 5-10, 14 and 15 are now pending.

The Examiner noted some minor informalities in the specification and those informalities are corrected.

In this Amendment the limitation of examined claim 3 is incorporated into amended claim 1. This amendment makes claim 4 redundant. Thus, claims 3 and 4 are cancelled. In addition, claim 1 is amended to describe that the emission controller controls the respective light emitting elements of the first-side and second-side light emitting devices so that the light emitting elements of each respective light emitting device emit light at mutually different times. This amendment is clearly supported in the application as filed, to the extent already not present in the claim, by the passage at page 16, lines 1-22. The description from page 16, line 23 through page 18, line 4 also provides support for the clarified form of claim 1.

New claim 14 describes the light emitting elements of each of the first-side and second-side light emitting devices as including light emitting elements producing light in visible and near infrared bands. Further, that claim describes controlling of those light emitting devices so that, in each of them, there is not simultaneous emission of visible and near infrared light. This new claim is supported in the patent application by the passage from page 17, line 6 through page 19, line 15. Particular attention is directed to the paragraph on page 19 and beginning in line 8.

Claim 5, the second independent claim, is revised in the same way that claim 1 is revised, necessitating the cancellation of claims 11-13 as redundant. Newly added claim 15 is similar to newly added claim 14 and finds support in the application in the same passages cited with respect to claim 14.

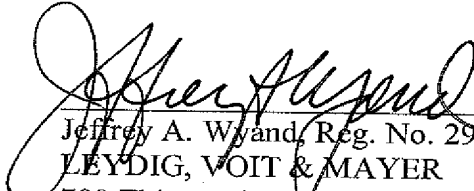
Claims 1-13 were rejected as anticipated by Voser (U.S. Patent 7,034,324). This rejection is respectfully traversed as to the claims now pending.

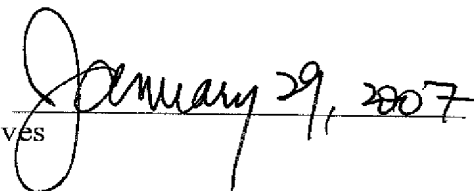
Anticipation requires that a prior art publication disclose every limitation of an invention as defined by a pending claim. Voser fails to meet that stringent test with respect to limitations of each of independent claims 1 and 5 and, therefore, cannot anticipate any pending claim. The Examiner pointed out that Voser describes, for example, in column 4, lines 49-52, including diodes producing red, green, blue, and infrared light in each package of what Voser refers to as a "transmitter". However, Voser fails to describe an emission controller that ensures that respective light emitting diodes in each transmitter emit light at respective different times. The generalized description in Voser at column 5, lines 14-25 thus fails to disclose what is now claimed in all pending claims. Therefore, upon reconsideration, the rejection for anticipation by Voser should be withdrawn as to the claims now pending.

Applicants also draw attention to the newly added dependent claims 14 and 15. A review of Voser demonstrates that nothing similar to the invention as described in those claims is disclosed by Voser. Those claims cannot be anticipated nor suggested by Voser.

Reconsideration and allowance of all now pending are earnestly solicited.

Respectfully submitted,

  
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